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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,088	12/20/2001	Vincent Vaccarelli	LEAP:114_US_	9688

7590 06/05/2003  
Simpson, Simpson & Snyder, PLLC  
5555 Main Street  
Williamsville, NY 14221

EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,088

Applicant(s)

VACCARELLI ET AL.

Examiner

Lee Fineman

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to an amendment filed 24 March 2003 in paper number 4 in which claims 5-8 were added. Claims 1-8 are pending.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by SO-1350 Brochure and SO-5000 Microscope Information, [www.scanoptics.com.au](http://www.scanoptics.com.au) [online] (henceforth Scan Optics)

Regarding claim 1, 2 and 4, Scan Optics discloses a microscope stand (figure, page 1 of SO-1350 brochure) of a type having an electrically powered element and a power inlet connected to said element (see power cord in figure); an auxiliary power outlet connected to said power inlet for receiving a power cord of an electrically powered auxiliary device associated with said microscope stand (see page 2 of brochure, under camera heading, power supply subhead, “power outlet jack provided on SO-5000 Ophthalmic Microscope) wherein said power inlet of said microscope stand and said auxiliary power outlet are formed according to a common standard chosen from a plurality of standards in use throughout the world (figure) and wherein said electrically powered element is an illumination source (see SO-5000 Microscope Information, the element is an illumination source, main coaxial light).

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Regarding claim 7, Scan Optics further discloses said power inlet and said power outlet operatively arranged on an outer surface of said microscope stand (figure).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scan Optics.

Scan Optics discloses the claimed invention except for explicitly stating that the power inlet, power cord and power outlet are adapted for accepting a standard International Electrotechnical Commission (IEC) Connector. Connector standards are well known to one of ordinary skill in the art to have been established to enable products to be used and sold safely in different areas of the world. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the power inlet, power cord and power outlet adapted to accept a standard IEC connector to be able to have the microscope used and sold safely in different areas of the world.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scan Optics, in view of Austin, U.S. Patent No. 5,389,740.

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Scan Optics discloses the claimed invention except for further comprising a cover installed to prevent access to said auxiliary power outlet, wherein said cover is adapted to be removable by a service technician but not by an end user. Austin teaches a cover (120, figs. 7 and 8) installed to prevent access to a power outlet (column 7, lines 11-46), wherein said cover is adapted to be removable by a service technician but not by an end user (if the service technician has the special tool, column 7, lines 38-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the cover of Austin to the auxiliary power outlet of Scan Optics to prevent electrical shock due to tampering and preclude unwanted connection or disconnection of critical electrical equipment (Austin, column 5, lines 19-25).

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1- 4 have been considered but are moot in view of the new ground(s) of rejection.

7. It is noted by the Examiner that the objections to the specification made in the previous Office Action have been withdrawn due to amendment by the Applicant.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

*LAF*

LAF  
May 28, 2003

  
**MARK A. ROBINSON**  
**PRIMARY EXAMINER**